

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

LYNDON WILLIAMS,	:	
	:	
Petitioner,	:	
	:	
v.	:	Civ. Action No. 7:98-cv-104 (HL)
	:	
UNITED STATES OF AMERICA,	:	Crim. Action No. 7:96-cr-41(HL)
	:	
Respondent.	:	

ORDER

Before the Court is Petitioner's Motion for Certificate of Appealability ("COA") under 28 U.S.C. § 2253(c). Petitioner seeks to appeal the Court's August 8, 2005 Order (doc 85) denying his Motion for Relief from Judgment under Rule 60(b).

Under 28 U.S.C. § 2253(c), a COA may issue only if the applicant has made a substantial showing of the denial of a constitutional right. For the reasons stated in the Court's Order, the Court finds that Petitioner has not made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). Accordingly, the application for a COA is **DENIED**.

Petitioner also filed a motion to proceed *in forma pauperis* on appeal. Having denied Petitioner's application for a Certificate of Appealability the motion to proceed *in forma pauperis* is hereby **DENIED AS MOOT**.

SO ORDERED, this 26th day of September, 2005.

s/ Hugh Lawson
HUGH LAWSON, JUDGE

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